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United Dominion Realty

Scott Wiggins

Verizon Avenue

Laurel Dent / Monty Gaden

WSNet

Mark Sherman

July 25, 2001

Ms. Magalie R. Salas

Secretary

Federal Communications Commission

The Portals

445 Twelfth Street, SW

Washington, DC 20554

**RE: Exparte Communication in CS Docket 95-184 and
WB 99-217**

Dear Secretary Salas:

On Tuesday, July 24, 2001, members of the IMCC Board of Directors, representatives from organizations supporting the goals and objectives of IMCC and the undersigned visited with Commissioners Abernathy, Copps and Martin, their legal advisors, Ms. Susan Eid, from Chairman Powell's office, Ken Ferree, Chief of Cable Services Bureau and his staff, and Jeffrey Steinberg, Deputy Chief of Commercial Wireless Bureau and his staff.

A list of questions discussed is included with our schedule of appointments. Additionally, material presented during these visits included copies of IMCC/ICTA's filings in the following dockets:

- CS 95-184 - MDU Inside Wiring, Exclusive Contracts, Perpetual Contracts, and Mandatory Access Statutes.
- WT 99-217 - Competitive Networks in Local Telecommunications

Sincerely,

Executive Director

Independent Multi-Family Communications Council

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Attendees for IMCC Briefing to FCC Commissioners and Staff July 24, 2001

Sue Ansel, Vice President, Gables Residential a multifamily real estate owner/management company. Gables Residential is one of the nation's largest owners, operators, and developers of Class A/AA multifamily communities. Founded in 1982, Gables is a real estate investment trust (REIT) with a portfolio of 80 apartment communities (28,000 units) in the high-growth, economically diverse markets of Atlanta, Austin, Boca Raton, Dallas, Ft. Lauderdale, Houston, Memphis, Nashville, and Orlando.

James N. Arbury, Vice President of Tax, National MultiHousing Council, which provides leadership for the apartment industry on legislative and regulatory matters, advances research and the exchange of strategic business information and promotes the desirability of apartment living. Mr. Arbury has principal responsibility for federal tax issues and federal and state telecommunications regulation. As a member of the U.S. Senate staff for 13 years, Jim served as Administrative Assistant to U.S. Senator Donald W. Riegle, Jr., former Chairman of the Senate Committee on Banking, Housing, and Urban Affairs and member of the Senate Finance Committee. Jim subsequently served as Senior Policy Advisor to the U.S. Senator with special emphasis on tax issues. Prior to his work on Capitol Hill, he held various financial management positions in private industry with Ernst & Young, Chrysler Corporation, Accuray Corp., Brand-Rex Wire & Cable, and Ensign-Bickford Company. He has a Bachelor of Arts degree from Michigan State University, a Master of Business Administration degree from the Harvard Graduate School of Business Administration, and is a Certified Public Accountant.

Trey Gaskins, President, Advanced Telemedia an alternative to the large franchise cable companies who do not offer MDU properties or their residents the best customer service, revenue share, or product. Advanced Telemedia is a communications company created by people experienced in owning, developing, and managing their own apartment communities. We understand how important ancillary income is to the success of any project. We are experts at working with development and construction to deliver the best in cable and high-speed Internet services. Advanced Telemedia provides service to more than 80 communities in the Southeastern United States.

Larry Kessler, CEO, IntelliCable Group, which assists multifamily developers, owners and managers in researching, developing and negotiating cable, phone and high speed Internet services and contracts.

Lyn Lansdale, Vice President, Ancillary Services, AvalonBay Communities. Since the 1980's, AvalonBay and its predecessor companies have been on the forefront in the development, ownership, and management of some of the finest rental apartment communities in major metropolitan markets in the United States. Currently, AvalonBay owns and manages 146 communities (43,000 apartment homes) in East Coast, Midwest and West Coast metropolitan markets. Publicly traded on the New York Stock

Exchange (ticker AVB), AvalonBay is considered by Wall Street as one of the premiere blue chip real estate companies in the country.

Mark Sherman, Executive Vice President, Chief Technology Officer, WSNet the leading business-to-business (B2B) wholesale provider of direct-to-home (DTH) digital video programming, distributing both digital and analog satellite television programming to the private cable and wireless cable industries serving the multiple dwelling unit (MDU) real estate sector, as well as small and rural franchise cable companies in underserved areas. These affiliates resell WSNet programming to MDU, single-family homes, and multi-tenant commercial properties such as hospitals, university housing, and hotels.

WSNet represents over 1,300 affiliates nationwide with over 4,000 properties and one million subscribers in the United States, Puerto Rico and the U.S. Virgin Islands - providing these customers access to close to 200 national satellite programmers. WSNet is a privately held company based in Austin, Texas.

Andrew Smith, Dir. Technology & Ancillary Services, KSI Services, Inc., founded in 1977 as Kettler & Scott, KSI is one of the region's leading development and building firms. KSI's planned communities are home to more than 20,000 residents in the metropolitan Washington area. KSI's multi-family efforts presently encompass 6,500 apartments. Approximately 90 percent of KSI's multi-family portfolio is designated affordable, making the company the area's most active firm in the development and management of moderately priced rental housing. The firm's property management portfolio overall has reached over 4,300 new and renovated units, with another 1,500 to come on line in the near future.

Scott Wiggins, Assistant Vice President, Business Services Group, United Dominion Realty Trust, founded in 1972, is a leading national apartment company committed to providing quality apartment homes, uncompromising service and exceptional value primarily to middle-market residents. The Company acquires, repositions, develops, owns, manages and selectively sells apartment communities nationwide. United Dominion owns 77,000 completed apartment homes in 277 communities, and is the developer of an additional 1,900 apartment homes.

IMCC Staff

Bill Burhop, Executive Director, IMCC Founded in 1996 as the Independent Cable & Telecommunications Association, the IMCC is a non-profit education trade association whose mission is to bring together broadband service providers, technology suppliers and multi-family dwelling unit owners to pursue mutually productive goals which benefit residents. According to the FCC Report on Video Competition, IMCC's membership provides independent telecommunications services to over 1 million subscribers nationwide.

Brenda Southall-O'Connor, IMCC Staff Assistant.



INDEPENDENT Multi-Family Communications Council

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Federal Communications Commission Visits July 24, 2001

- | | |
|------------|--|
| 10:00 a.m. | Ken Ferree, Chief Cable Services Bureau
John Norton, Royce Sherlock, Eloise Gore, Bill Johnson, Steve Broeckaert/Deborah Klein |
| 11:00 a.m. | Commissioner Kathleen Q. Abernathy
Bryan Tramont, Sr. Legal Advisor |
| 1:30 p.m. | Commissioner Kevin J. Martin |
| 1:30 p.m. | Office of Commissioner Gloria Tristani
Adam Krinsky, Sr. Legal Advisor
Paul Gallant, Legal Advisor – Mass Media and Cable |
| 2:30 p.m. | Commissioner Michael J. Copps
Susanna Zwerling, Legal Advisor – Mass Media and Cable |
| 3:40 p.m. | Office of Chairman Michael K. Powell
Susan Eid, Legal Advisor – Mass Media, Cable and selected broadband issues.
William E. Quirk IV, Intern |
| 4:15 p.m. | Jeffrey Steinberg, Deputy Chief, Commercial Wireless Bureau
Leon Jackler, Attorney
Susan Singer, Economist |

IMCC Briefing at Federal Communications Commission
July 24, 2001
Areas for Discussion

- The importance of Cable Services Bureau Docket 95-184 – Multiple Dwelling Unit (MDU) Inside Wiring Rules.
 - Do Private Communications Operators (PCOs) provide meaningful competition to franchised cable in the MDU marketplace?
 - Do MDU owners facilitate or frustrate video competition for MDU residents?
 - To what extent is PCO/MDU success or failure attributed to business/market decisions as compared to policy/regulatory decisions?
 - What if anything can the FCC do, consistent with the law and principled economics, to support video competition beyond what it has already done?
 - What has worked and what has not worked in terms of PCO market entry?
 - What issues relate to the successes or failures of PCO access to capital markets?
 - What role does DBS provided by PCOs play in video competition?
- The importance of Wireless Bureau Docket 99-217 – Competitive Networks in Local Telecommunications.
 - Is the MDU market the same as the MTE (commercial and office space) market?
 - Are the regulatory, infrastructure and business factors the same for telephony and video? For MTU and MTE?